APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,566	09/26/2001	Thomas P. McKenna JR.	4000.2.74	7438

32641   7590   07/24/2007
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ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
07/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/966,566	MCKENNA, THOMAS P.
	Examiner	Art Unit	
	Son P. Huynh	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,9-41 and 45-53</u> is/are pending in the application.

    4a) Of the above claim(s) <u>17-36 and 53</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5,9-16,37-41 and 45-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6/29/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-5, 9-16, 37-41, 45-52 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument that Bruck is silent about whether the displayed UIs are the result of one or many web pages, or the recited elements are all contained within the same web page ...(page 21), the Examiner respectfully disagrees.

Bruck discloses the HTML formatted web page thus may be employed as a user interface template for use in quickly creating a desired user interface; the interface may be customized based on the particular show, network, etc. The template may be used to provide for presentation of a predefined user interface file for the particular show, network, etc. being viewed (see include, but are not limited to, col. 9, lines 35-66). Thus, all elements such as program title, time, recording action, chat icon, etc. displayed are contained within the same web page (e.g., web page associated with the interface template for particular show, or network, etc.)

In response to Applicant's argument Bruck does not teach or suggest that actions are encapsulated within a PIO (page 23), the Examiner notes the claims (e.g., claims 1 and 52) do not recite this limitation. Claims 1 and 52 recites "...within the memory that

encapsulates: attribute data...." Thus, this limitation could be interpreted as the memory

encapsulates: attribute data.... or interpreted as each PIO ...encapsulates: attribute

data....

In response to Applicant's argument Bruck does not teach displaying the icons

corresponding to a plurality of PIOs within a graphical user interface other than a grid

based EPG comprising rows corresponding to television channels (page 24), the

Examiner respectfully disagrees.

Bruck discloses the formatted web page may be employed as a user interface

template, the user interface template is used to provide for presentation of a predefined

user interface file for particular show, network, etc. (col. 9, lines 45-65). Bruck also

discloses user selectable buttons 160, 162, 164, which allow a user to access a

programming guide for a current day, access the previously described program

information interface and access a television favorites mode where still images from

multiple channels are displayed simultaneously on separate small areas of the screen

(col. 8, line 61-col. 9, line 5). Thus, Bruck discloses displaying the icons corresponding

to a plurality of PIOs within a graphical user interface other than a grid based EPG

comprising rows corresponding to television channels (displaying still images of

channels simultaneously on separate small areas of the screen, each still image

correspond to a web page employed as user interface template).

For the reasons given above, rejections of claims are discussed below.

Claims 17-36 and 53 have been withdrawn.

Claims 6-8, 42-44, 54-55 have been canceled.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5, 9-16, 37-41, 45-52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bruck t al. (US 7,143,428 B1), in view of Kanungo (US 2003/0056215

A1).

Regarding claim 1, Bruck discloses a method for providing supplemental information

(e.g. chat, logo, title, information from web site, etc.) related to a television program (see

include, but is not limited to, figures 5-9, 12-13), the method comprising:

storing a plurality of PIOs within a memory of an entertainment system (e.g.

storing web pages which may be employed as a user interface templates in memory –

see include, but is not limited to, col. 9, lines 32-57), each PIO comprising a single data

structure within the memory (data structure of web page employed as user interface template within the memory (col. 9, lines 32-67) that encapsulates:

attribute data for one or more attributes providing information about a single television program, at least one attribute comprising a link to supplemental information related to the television program (the formatted web page comprises attributes data such as program title, time, rated, or web site, etc. providing information about a single television program (e.g. Dr. Katz, Professional Therapist), the attribute comprising at least one link to chat room, web site, etc. related to the show or the program being tuned – see include, but are not limited to, figure 12, col. 4, line 60-col. 5, line 2),

program code for one or more user-selectable actions executable by the entertainment system in connection with the same television program (interpreted as and program code (e.g. HTML code, or program code) for user selectable actions executable by the system in connection with the same program for setting record, reminder, etc., and link to supplemental information related to the television program such as chat room, web site, etc. see include, but is not limited to, figure 12, col. 5, lines 3-38, col. 9, lines 32-67);

graphical data for display as an icon to visually represent the PIO within a graphical user interface (GUI), the GUI being other than a grid-based electronic program guide (EPG) including rows corresponding to television channel (e.g., data for display as still images in separate small areas representing the web pages, employed as user interface templates, of display screen – see include, but are not limited to, col. 8, line 61-col. 9, line 3 and discussed in "Response to Argument" above);

displaying the icons representing the plurality of PIOs in the GUI (displaying still images in separate small areas representing the plurality of web page in the display screen – see include, but are not limited to, see include, but are not limited to, col. 8, line 61-col. 9, line 3 and discussed in "Response to Argument" above);

in response to a user picking an icon of the selected PIO within the GUI, displaying a context menu listing the one or more actions associated with the selected PIO, at least one of the actions for displaying supplemental information related to the associated television program (e.g., in response to user selection of a small area that display the still image of channel within the display screen, displaying a web page associated with the selected small area, the web page listing actions associated with the selected web page, at least one of the actions for displaying chat room, website, etc. associated to the television program, show, etc. see include, but are not limited to, see include, but are not limited to, figures 6-10, 12, col. 4, lines 64-col. 5, line 2, col. 6, line 42-col. 7, line 25, col. 7, lines 44-57, col. 8, line 61-col. 9, line 3, and discussed in "Response to Argument" above);

in response to the action for displaying supplemental information being selected from the context menu, using the at least one attribute corresponding the link to retrieve the supplemental referenced by the link (e.g., in response to user selection of chat icon, web site, etc. using attribute (e.g., title, network, etc.) corresponding to the link to website, chat room, etc. to retrieve chat content, web site content, etc. referenced by the link – see include, but are not limited to, figures 6-12, col. 4, lines 64-col. 5, line 2, col. 6, line 42-col. 7, line 25, col. 7, lines 44-57)

displaying the retrieved supplemental information in the GUI(e.g. displaying

additional information of the program, information from the web site, or chat room

information, etc. on television screen – see include, but is not limited to, figures 1, 3, 6-

12, col. 7, lines 44-67, col. 8, lines 44-60, col. 9, lines 45-57).

However, Bruck does not explicitly disclose the program code comprises a

routine in a machine independent format that is executable in a Java virtual machine

within the interactive television system and any destination device to which the PIO is

sent such that the routine does not need to be installed on the destination device prior

to receiving the PIO in order to perform the associated user-selected action.

Kanungo discloses the program code comprises a routine in a machine

independent format that is executable in a Java virtual machine within the interactive

television system and any destination device to which the PIO is sent such that the

routine does not need to be installed on the destination device prior to receiving the PIO

in order to perform the associated user-selected action (program code comprise routine

in Java applet, platform independent bytecodes, that is executable in Java virtual

machine (108) within the interactive television system or any destination device (e.g.,

set top box and television display) to which the Java applet/bytecodes is sent such that

the routine does not need to be installed on the set top box, or other destination device

prior to receiving web page or any program interface object in order to perform the

associated user selectable action such as on/off, TV/video tv, broadcast cable, 25%,

50%, etc. – see include, but are not limited to, figures 1a-3b, 4a-4d, 6-8b, paragraphs

0010, 0034-0036, 0040-0041, 0043-0044, 0050-0052, 0055, 0058-0060). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bruck with the teaching as taught by Kanungo in order at least to easily change the appearance and functionality of virtual remote control without having modify the hardware and software that is built into the platform on which the applet is executed (see paragraphs 0009, 0011, 0083).

Regarding claim 2, Bruck in view of Kanungo teaches a method as discussed in the rejection of claim 1. Bruck further discloses in response to user selection of a link for supplemental information such as access web site, access chat room, etc., information from the web site, chat content, etc. are provided to the user – see including, but is not limited to, figures 4, 6-12, col. 7, lines 26-67). Inherently, a communication is established with a supplemental information server (i.e. remote server, host server, or chat server– figures 4, 6, 9-12), supplemental information referenced by the link is requested from the supplemental information server and received by the entertainment system so that the content from web page, or content from chat room is displayed on the screen – see include, but is not limited to, figures 6,9-12, col. 7, lines 44-67).

Regarding claim 3, Bruck in view of Kanungo teaches a method as discussed in the rejection of claim 2. Bruck further discloses the supplemental information server comprises an Internet server (see include, but is not limited to, figure 4, col. 6, lines 8-65).

Regarding claim 4, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses the link comprises the URL (see include, but

is not limited to, col. 6, line 66-col. 7, line 5).

Regarding claim 5, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses the link comprises a file name (e.g. data file,

web page, or chat room, etc. see include, but is not limited to, col. 6, line 42-col. 7, line

16, figure 12).

Regarding claim 9, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses automatically displaying the supplemental

information in response to the television program being presented by the entertainment

system (e.g., automatically discloses information of chat room, program title, logo, or

web site, etc. associated with the selected television – see include, but is not limited to,

figures 5-12, col. 7, line 10-col. 8, line 60, col. 9, line 22-col. 10, line 3, col. 10, lines 41-

45).

Regarding claim 10, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses automatically display the supplemental

information television program prior to television program being presented by the

entertainment system (e.g., a reminder automatically appears prior to the start of the

show, or automatically change the link to the chat room for the next show playing on

that network – see include, but is not limited to, col. 8, 18-21, lines 56-60; col. 10, lines

59-67).

Regarding claim 11, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses the displaying comprises:

      launching a browser configured to display the supplemental information

(launching a browser configured to display web page, or chat room, etc. – see include,

but is not limited to, col. 3, lines 61-56, col. 6, lines 8-20, lines 42-50, col. 6, line 66-col.

7, line 58, col. 9, lines 32-67); and

      displaying the supplemental information within the browser (e.g. displaying chat

information, or web page content, etc. within the formatted web page/user interface, see

figures 6-13).

Regarding claim 12, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses the PIO comprises a set of link attributes,

each link attribute comprising a different link to a set of supplemental information (the

formatted web page/user interface comprises a set of link attributes such as link to web

site, link to chat room, etc., each link attribute comprises a different link such as link to

associated chat room, or link to associated web site, etc. – see include, but is not limited

to, figure 12).

Regarding claim 13, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 12. Bruck further discloses displaying a list of link attribute associated

with the PIO (e.g. display link attribute such as chat link, or web site link, etc. associated

with the formatted web page/user interface, see include, but is not limited to, figure 12);

and receiving a user selection of a particular link attribute from the list of link attribute

(i.e. receiving user selection of link to chat room, link to web site, etc. – see include, but

is not limited to, figure 12).

Regarding claim 14, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Neither Bruck nor Kanungo specifically discloses the supplemental

information comprises an XML document. Official Notice is taken that using XML

document is well known in the art. For example, using XML document/code for web

page. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Bruck in view of Kanungo with the teaching of XML

document in order, at least, to allow the creator to create customized tags for a display,

or to provide a simple language and easily to learn the language.

Regarding claim 15, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Kanungo further discloses the PIO comprises a JavaBean object

(see include, but are not limited to, paragraphs 0011-0013, 0034, figures 5a-6).

Regarding claim 16, Bruck in view of Kanungo teaches a method as discussed in the

rejection of claim 1. Bruck further discloses the entertainment system is selected from

the group consisting of a personal computer, an interactive television (ITV) system (see

include, but is not limited to, col. 3, lines 34-55, col. 4, lines 55-67, col. 6, lines 8-20).

Regarding claims 37-41, 45-51, the limitations of the system as claimed correspond to

the limitations of the method as claimed in claims 1-5, 9-15, and are analyzed as

discussed with respect to the rejection of claims 1-5, 9-15.

Regarding claim 52, the limitations as claimed correspond to the limitations of claim 37,

and are analyzed as discussed with respect to the rejection of claim 37.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Hartel et al. (US 6,983,448) discloses open framework for the definition of

metadata.

Brown et al. (US 6,678,733) discloses method and system for authorizing and

authenticating users.

Wu et al. (US 5,987,256) discloses system and process for object rendering on thin client platforms.

Martin et al. (US 7,174,512) discloses portal for a communication system.

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh   July 18, 2007

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